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ELECTION COMMISSION, INDIA

NOTIFICATION

New Delhi, the 10th June 1957

S.R.O. 1994.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 364 of 1957, presented to the Commission on the 29th April, 1957 under section 81 of the said Act, by Shri Abnash Chandar, son of Dewan Kirpa Ram, Ghee Mandi, House No. 1507/2, Amritsar calling in question the election to the House of the People from the Amritsar constituency of that House of Shri Gurmukh Singh Musaffar son of Shri Sujan Singh, Ranjitspura, Putlghar, Amritsar.

Presented to me by Shri Abnash Chandar whose signature has been obtained in the margin and attested as having been signed before me this the twenty ninth day of April one thousand nine hundred and fifty seven.

(Sd.) DIN DAYAL,
Under Secretary,
Election Commission, India.

The 29th April, 1957.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION No. 364 of 1957

In the matter of Election Petition relating to the Parliament Constituency of Amritsar City, Punjab.

Abnash Chandar son of Dewan Kirpa Ram, Ghee Mandi, House No. 1507/2, Amritsar, Voter No. 2926—*Petitioner.*

(Amritsar East Constituency Division No. 2.)

Versus

1. Shree Gurmukh Singh Musaffar son of Shree Sujan Singh, Ranjitspura, Putlghar, Amritsar.
2. Shree Krishan Lal son of Shree Ram Avtar, bazar Bikanerian, Amritsar.
3. Shree Sohan Singh Josh son of Lal Singh, Chelanpura District Amritsar—*Respondents.*

Petition Under Section 80 of the Representation of People's Act 1951 to question the election of Parliament Constituency of Amritsar City, Punjab, and for the following declarations:—

1. That the election of the Respondent No. 1 is illegal and void.
2. That under section 34 of the said Act the respondent No. 2 has been duly elected.
3. And that under section 140 of the said Act the respondents No. 1 and No. 3 are disqualified to seek membership of Parliament and of the legislature for a period of six years.

The petitioner above-named begs to submit as follows:—

1. That the respondents No. 1 to 3 along with 2 other candidates namely Dr. Tulsi Dass and Mr. Ramesh filed their nomination papers to contest the election of the Parliament Constituency Amritsar city, Punjab on or before the 29th January, 1957. Dr. Tulsi Dass and Mr. Ramesh withdrew their candidature on or before the 4th February, 1957.

2. That the respondents 1 to 3 contested the election. According to the counting of votes polled in favour of each candidate, the following result was declared on the 18th March, 1957:—

Respondent No. 1 secured 113899 votes

Respondent No. 2 secured 77533 votes

Respondent No. 3 secured 65077 votes

No. of invalid votes 823 votes.

In view of the figures mentioned above, respondent No. 1 was declared elected.

3. That the election of the respondent No. 1 was illegal and void and is liable to be set aside and the respondent No. 1 is also liable to be disqualified under section 140 of the Act, on the following grounds:—

(a) That the respondent No. 1 is guilty of corrupt practices as laid down under section 123(1) (a) (b) (i) (ii) and 123(2) (a) (i) and 123 (3) (4) and (5) for instances given below and several others:—

- (i) That the respondent No. 1 and his agents S. Mubarak Singh and Jai Inder Singh made promises with Dr. Tulsi Dass that the respondent No. 1 would try for his nomination as M.L.C. in case he (Dr. Tulsi Dass) would withdraw his candidature and extend a helping hand to secure votes of his friends and relations for the respondent No. 1 and also he himself votes for him (Respondent No. 1). This gratification of nomination as M.L.C. induced Dr. Tulsi Dass and his supporters to vote for respondent No. 1 and further induced Dr. Tulsi Dass and his supporters to secure votes of their families, friends and relations for respondent No. 1 in order to furtherance of the prospects of respondent No. 1. This corrupt practice materially affected the result of the election.
- (ii) That the respondent No. 1 and his agents S. Mubarak Singh and Jai Inder Singh made promises with S. Gurdial Singh, Municipal Commissioner, Amritsar that the respondent No. 1 would see that the election petition filed by Dr. Gopal Dass against him relating to his Municipal election was dismissed by S. Amolak Singh, Election Commissioner, Amritsar in case he, his friends and relations voted and also extended their full support in favour of the respondent No. 1. This gratification of getting the election petition dismissed induced S. Gurdial Singh and his friends and supporters to vote for respondent No. 1 and also induced them to secure votes for respondent No. 1. This corrupt practice has also materially affected the result of the election.
- (iii) That the respondent No. 1 and his agents S. Mubarak Singh and Jai Inder Singh made promises with Shree Abnash Chandar, Municipal Commissioner, Amritsar that the respondent No. 1 would see that the order of the Election Commission, Amritsar holding his municipal election illegal and void would never be carried out by the Government for one reason or the other. This gratification induced Shree Abnash Chandar and his supporters and friends etc. to vote and to secure votes of his relations for respondent No. 1. This corrupt practice has also materially affected the result of the election.
- (iv) That the respondent No. 1 and his agents S. Mubarak Singh and Jai Inder Singh made promises with one Tilak Raj that the order of the Election Commissioner, Amritsar accepting the petition of Shree Amir Chand Gupta against him (Tilak Raj) would be reversed in case he voted and extended his support for the respondent No. 1. This gratification induced Shree Tilak Raj and his supporters and relations to vote for respondent No. 1. This corrupt practice has also materially affected the result of the election.

- (v) That the respondent No. 1 and his Agents S. Mubarak Singh and Jai Inder Singh made promises with Shree Dewan Chand Kapur, General Manager, M/s. Shambhu Nath and Sons, G. T. Road, Amritsar, that the respondent No. 1 would help to restore certain licences which the concerned authorities had refused to issue to M/s. Shambhu Nath and Sons in case Shree Dewan Chand and other members of the Managing Committee of the said firm vote for respondent No. 1. This gratification induced Shree Dewan Chand and other members of the Managing Committee of the said firm to vote for respondent No. 1 and to induce their employees and relations to vote for respondent No. 1. This corrupt practice has also materially affected the result of the election.
- (vi) That the respondent No. 1 and his agents S. Mubarak Singh as the Presidents of the Punjab Provincial Congress Committee and of the District Congress Committee respectively made promises with Messrs. Hiralal, Shiv Narain, Karam Chand Sahni, R. S. Chopra, Gurdial Singh, Tilak Raj, Raj Karan and several others to give them Congress Tickets for the next Municipal elections in case they and their friends and relations voted for the respondent No. 1. This gratification induced these persons and their relations and their supporters to vote for the respondent No. 1. This corrupt practice has materially affected the result of the election.
- (vii) That the respondent No. 1 made promises with S. Mubarak Singh, Shree Durga Dass Bhatia, Shree Chandanlal Jaura, Shree Beharilal Khanna and several others that the respondent No. 1 would see that they were given nominations for M.L.C. in case they, their friends and relations voted for respondent No. 1. This gratification induced all these persons to work and to canvass for votes for the respondent No. 1. This corrupt practice has also materially affected the result of the election.
- (viii) That the respondent No. 1 made promises with Shree Raj Karan, Prem Nath, Beharilal Khanna and several others that the respondent No. 1 would get postponed the return of loans given to them by the Government provided they and their supporters voted for the respondent No. 1. The respondent No. 1 also threatened them that in case they do not vote for respondent No. 1 drastic steps were to be taken for the recovery of their loans, by the Government. This gratification and threats induced and compelled these persons to vote for respondent No. 1. This corrupt practice has also materially affected the result of the election.
- (ix) That the respondent No. 1 made promises with Master Tara Singh, President, Akali Dal, that the respondent No. 1 would help to get allotted at least 40 per cent of the Punjab Assembly seats to his followers and party men in case he and his followers would vote for respondent No. 1. The respondent No. 1 further made promises with Master Tara Singh that the respondent No. 1 would help to secure Ministership and Deputy Speakership to Master Tara Singh's favourites in case Master Tara Singh would not allow any of his supporters and party men to stand as a candidate against the respondent No. 1. These gratifications induced Master Tara Singh not to encourage any one of his followers to stand as candidate for the Parliament Constituency, Amritsar city, Punjab, to oppose the respondent No. 1 and to vote for the respondent No. 1. This corrupt practice has also materially affected the result of the election in as much as more than 30,000 Sikh followers and supporters of Master Tara Singh and his Akali Dal, within the Constituency voted in favour of the respondent No. 1 and against the respondent No. 2.
- (x) That on the 9th, 10th and 11th March, 1957 and on several other occasions the respondent No. 1 arranged meetings between the Congress High Command including Maulana Abul Kalam Azad, Education Minister, Shree Gobind Ballabh Pant, Home Minister, Pandit Jawaharlal Nehru, Prime Minister and Shree U.N. Dhebar, President, All India Congress Committee, etc., and Master Tara Singh, S. Hukam

Singh, Deputy Speaker, Parliament, and Giani Kartar Singh. In these meetings the respondent No. 1 misused his position as that of the President, Punjab Congress Committee, and induced Pandit Jawaharlal Nehru and others to purchase the votes and Master Tara Singh and other Sikhs of the Akali Dal en bloc to be certain of the success of the respondent No. 1 and other Congress candidates by offering gratifications in the shape of Congress tickets to Master Tara Singh and his followers. Accordingly Pandit Jawaharlal Nehru, Maulana Abul Kalam Azad, Pandit Govind Ballabh Pant and others used their high status and influence and purchased the votes of Master Tara Singh and other Sikhs of the Akali Dal in favour of the respondent No. 1, by paying gratification of 26 Congress tickets to Master Tara Singh's party men. This corrupt practice has also materially affected the results of the election.

- (xi) That the respondent No. 1 and his agents S. Mubarak Singh and Jai Inder Singh made promises with S. Sardara Singh Bhinder, Advocate, that the respondent No. 1 would get him the post of Chairman, Amritsar Improvement Trust, in case he and his wife and their relations and friends would vote for the respondent No. 1. This gratification induced S. Sardara Singh, his wife and their relations and friends to vote and to secure votes for the respondent No. 1. This corrupt practice has also materially affected the result of the election.
- (xii) That the respondent No. 1 made promises with one Harcharan Singh that the respondent No. 1 would get him appointed as Sub-Registrar, Amritsar, in place of Shree Om Parkash Sarpal, B.A., LL.B., in case Harcharan Singh and his supporters voted for the respondent No. 1. This gratification induced S. Harcharan Singh and his relations to support the respondent No. 1 in furtherance of the prospects of the respondent No. 1 who got him the said job. This corrupt practice has also materially affected the result of the election.
- (xiii) That the respondent No. 1 made promises with Shree B. R. Kalia, Superintendent, District Jail, Amritsar that the respondent No. 1 would see that all enquiries pending against him were hushed up in case he and his wife and his subordinate staff would vote for the respondent No. 1. This gratification induced Mr. Kalia to such an extent that he not only induced his wife and his subordinate staff to vote for the respondent No. 1 but also tried to illegally interfere in the casting of votes at the Saiwali Gali, Katra Doole, Polling Station, at which he was a Presiding Officer. This corrupt practice has also materially affected the result of the election. It will not be out of place to mention here that the District Magistrate, Shree H. B. Lall, had to come at the spot.
- (xiv) That the respondent No. 1 made promises with one Shree Gian Chand son of Shree Thakar Dass, resident of G. T. Road, Amritsar, that the respondent No. 1 would see that his son Shree B. R. Nagpal was promoted and was made permanent in case he (Gian Chand) would vote for respondent No. 1; would allow the respondent No. 1 to use his (Gian Chand's) house as the office of the respondent No. 1 during the period of his election. The respondent No. 1 threatened Shree Gian Chand that the Government would take drastic steps against his son in case he (Gian Chand) and his relations did not vote for the respondent No. 1 and respondent No. 1 was not allowed to use his residence as his office. This gratification and threat induced Shree Gian Chand to vote for the respondent and to secure votes of his relations and friends for respondent No. 1 and to allow him to use his residence as the office of the respondent No. 1 and to arrange for meals for the workers of the respondent No. 1. This corrupt practice has also materially affected the result of the election.
- (xv) That the respondent No. 1 and his agents S. Mubarak Singh and Jai Inder Singh and his supporters Messrs. Hira Lal, Satpal Bhatia, Karamchand Sahni and Shivnarain and Mohinder Singh, Municipal Commissioners, distributed liquor to the Mohajan community headed by Shree Yaqub Masih, residents of Yasin Road, Amritsar on the

night of the 12th March, 1957 at 11 p.m. and thus induced all the Harijan voters of Yamin Road to vote for the respondent No. 1. This corrupt practice has also materially affected the result of the election.

(xvi) That the respondent No. 1 and his agents S. Mubarak Singh and Jai Inder Singh and his supporters Hiralal, Shiv Narain, Sat Pal, Gurdial Singh, Mohinder Singh distributed liquor and cash to the Harijan and Mazhabi Sikh communities of Magboolpura, Lahori Gate, Khazana Gate, Bhagtanwala Gate, Gilwali Gate, outside Sultanwind Gate, Rambagh, Faizpura and Karampura on the night between the 10th, 11th, 12th and 13th March, 1957. This corrupt practice has also materially affected the result of the election.

(xvii) That the respondent No. 1 and his agents S. Mubarak Singh, Jai Inder Singh with their supporters Shree Mohinder Singh, Gurdial Singh and others freely distributed liquor to the Harijan and Mazhabi sikhs of Ann Garh Jandiala, Beas, Khalchian, Mehta and Bavva on the night of 7th, 8th and 9th March, 1957. This corrupt practice has also materially affected the result of the election.

4. That the respondent No. 1 was not competent to stand as a candidate for the Election of the Parliament Constituency, Amritsar city because he was carrying on the business under the name of Sikh Publishing House which had its office at Delhi and which was under contract to supply books to the Government and particularly to the Education Department. Therefore, his election is bad, illegal and void and is liable to be set aside.

5. That the respondent No. 1 and his agents S. Mubarak Singh, Jai Inder Singh and his other associate Comrade Gulzar Singh published posters and hand bills containing statements of facts which were false simply to create hatred among the electors of the Constituency in question against the respondent No. 2 and his organisation. The poster marked "A" published under the headline "Duniya ke chatar ek taraf—aur akela jawahar ek taraf" is attached herewith. Another poster "Jansangh ka Manifesto" containing simply false facts and white lies and statements reasonably calculated to prejudice the prospects of the respondent No. 2's election.

With the result that innumerable voters who were to cast their votes in favour of the respondent No. 2 did not vote at all, for instance, Shree Baburam, son of Shankar Dass, Sharifpura, Amritsar, voter No. 2112, Krishanlal, son of Amar Nath, voter No. 2114, Krishanlal son of Sant Ram, voter No. 7748, Madan Lal son of Munshi Ram, voter No. 2685, Harichand son of Ganga Ram, voter No. 7749 and so on. This corrupt practice has also materially affected the result of election.

6. That the respondent No. 1 got the support and votes of Messrs. Teja Singh of Bagh Ramanand, Faqir Chand Sehgal, Santokh Singh, Raghbir Singh, Ram Lubhaya and several others in furtherance of the prospects of the election of respondent No. 1 by getting them Government Ration Depots which the concerned authorities had stopped the issue of new depots. This corrupt practice has also materially affected the result of the election.

7. That the respondent No. 1 purchased votes from voters on cash payments from electors on the condition that these electors were to bring the ballot papers outside and were to hand over the same to the agents of the respondent No. 1 in return of the money received in cash from the agents of the respondent No. 1. This fact is proved by the fact that Parliament Ballot Paper No. PB 57 623969

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was found from the Ballot Box of Jathedar Jalla Usman, at the time of counting of votes. No secrecy of votes was maintained and illegal acts were committed by the respondent No. 1. His election in question is illegal and void and is liable to be set aside.

8. That the return of expenditure of election filed by the respondent No. 1 is wrong and false. The expenses of election incurred by the respondent No. 1 were much more than shown in his return. The expenditure incurred in connection with the election and authorised by the respondent No. 1 has been incurred in contravention of Section 77 of the Act. The expenses incurred on the posters and handbills mentioned above have not been included in the return of the election.

expenses by the respondent No. 1. The salaries paid to numerous workers engaged by respondent No. 1 in furtherance of the prospects of his election have not been included in the return filed by the respondent No. 1 for instance more than Rs. 500/- were paid to one Dalip Singh and his party but no account or receipt has been included with the return. The respondent No. 1 had opened several offices including one at the house of Shree Gian Chand, G. T. Road, Amritsar for about 1½ months but no rent of such places have been shown in the return. This alone house is worth Rs. 400/- per month and it would have cost at least Rs. 600/- to the respondent No. 1 and the respondent No. 1 should have shown this amount in his return. That several workers including Dalip Singh and his party had been taking their meals from Shree Gian Chand and the Hotel situated in Model Town on the G. T. Road, but no expenses had been shown. That the respondent had hired and engaged several vehicles from his friends for the conveyance of his voters and did not include their expenses of hiring or of petrol in the return of expenses. For instance the respondent No. 1 was to make the use of the cars of Messrs. Shambhunath & Sons, Shree Gian Chand, Shree Haveli Ram, Shree Chandanlal Jaura, Shree Durga Dass Bhatia Shree Dewan C. Mehra and several others. This corrupt practice has also materially effected the result of the election, and the election of the respondent No. 1 is liable to be set aside, on this ground also.

9. That the respondent No. 3 through his party "Amritsar District Election Board, communist party" published a poster (hand bill) under the headline of "Parliament ka vote Kise Dia Jai" containing false figures of votes polled by each candidate at different places and also false statements, reasonably calculated to prejudice the prospects of the election of the respondent No. 1. This corrupt practice has also materially effected the result of the election, and the respondent No. 3 is responsible to be disqualified for a period of six years.

10. That the petitioner is the elector from the Parliament Constituency of Amritsar city, Punjab and is thus competent to file this petition.

11. That the petitioner has deposited Rs. 1,000/- (one thousand) as security required by law *vide* receipt No. 4-A, dated 26th April, 1957 of the State Bank of India, Amritsar, which is enclosed herewith.

12. That the respondent No. 1 and his supporters made systematic appeal on the ground of caste and creed and publishing the same at his own cost. Personally the respondent has been appealing systematically for Sikh votes on the ground of his being a Sikh. He also got published systematic appeals from different persons appealing their caste biradari to vote for him in the name of Biradari. He bore himself the caste of several posters published for the purpose. This systematic appeal in the name of castes and creed furthered the prospects of the respondent election.

In view of the facts mentioned above it is humbly prayed that the election of the respondent No. 1 be declared illegal and void and the respondent No. 2 be declared elected of having secured the largest number of valid votes and the respondent Nos. 1 and 3 be disqualified for a period of six years. The petitioner may kindly be granted costs of this petition and other relief as is proper and fair considered by this Court.

Signature of petitioner.

through

Shri V. P. Joshi, Advocate.

Verification

1. Abnash Chandar, son of Dewan Kirpa Ram, petitioner above named verify that the contents of my above petition are true to the best of my knowledge, belief and information.

Verified at Delhi this 29th day of April, 1957.

Petitioner.

Enclosed:—

1. Bank receipt of Rs. 1,000/-.
2. Three copies of the petition.
3. List of documents.
4. Four different posters.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

In the matter of election petition relating to the Amritsar City Parliament Constituency, Punjab.

Abnash Chandar and others—*Petitioners.*

Versus

Shri Gurmukh Singh Musaffar (2) Shree Krishanlal and S. Sohan Singh Josh—*Respondents.*

List of documents relied upon

1. Poster relating to "Duniya ke shatar ek taraf—aur Akela Nehru Ek Taraf", by Comrade Gulzar Singh Marked "A".
2. Poster published by the Communist Party under the headline "Parliament Ka vote Kis Ko Den" Marked "B".
3. Poster under the headline "Tardid-Di National District Rajput Sabha" Marked "C".
4. Poster under the headlines "Appeal" and "Mutfikka Faisla" by Messrs. Mahant Jamna Dass Babu Daman Ram— and Hukam Chand Tailor Master, Lal Chand, son of Bagga Mal, etc., Marked "D".

ABNASH CHANDRA,

The 29th April, 1957.

(The annexures to the petition are not published).

[No. 82/364/57]

By order

DIN DAYAL, Under Secy.

